

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

CAPTIVA LAKE INVESTMENTS, L.L.C.,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:10-cv-01890-CEJ
)	
FIDELITY NATIONAL TITLE)	
INSURANCE COMPANY, SUCCESSOR)	
BY-MERGER TO LAWYERS TITLE)	
INSURANCE CORPORATION)	
)	
Defendant.)	

**DECLARATION OF RICHARD A. WUNDERLICH
CONCERNING FEES FOR PROFESSIONAL LEGAL SERVICES**

I, Richard A. Wunderlich, hereby make this Declaration in seeking an award of attorney fees resulting from the jury's finding on July 24, 2015 that Fidelity delayed payment on the insurance claim submitted by Captiva Lake Investments, LLC without reasonable cause or excuse in violation of Missouri law. In accord with the stipulation of the parties and the consent of the Court, I state as follows:

1. I am over the age of 18 and have personal knowledge of the matters set forth herein. I am an attorney with the law firm Lewis Rice L.L.C., which represents Captiva Lake Investments, L.L.C. in this lawsuit. I am a member of the firm and have practiced with Lewis Rice L.L.C. since 1982.

2. I served as lead counsel in this lawsuit and have been involved with this matter since June of 2010. Lewis Rice attorneys John M. Hessel, Steven D. Hall, Jerina D. Phillips and John H. Kohler assisted me, with additional but minimal assistance from other attorneys at the firm, including Leonard J. Essig, Evan Z. Reid, Bridget Hoy, Sarah A. Milunski, David E.

Horan, Eric D. Block, Carine M. Doyle, David L. Scott, and Sarah J. Garber. Reida Anderson and Bridget Walton primarily served as paralegals in this lawsuit. All named persons provided professional legal services in this matter.

3. Lewis Rice and Captiva agreed to a blended hourly rate for professional legal services of \$340.00 per hour in this lawsuit, which the Court previously found to be reasonable and customary in this market. *See* Order (Dkt. No. 284), Feb. 23, 2015, at 1; Memo. to the Court (Dkt. No. 282), Feb. 9, 2015, at 1. For those who were primarily and actively involved in this trial, the firm's usual (or non-blended) hourly rates ranged from \$220.00 per hour to \$560.00 per hour—an average of \$388.00 per hour (based on the hourly rates of John Hessel, Steven Hall, Jerina Phillips, Bridget Walton, and myself).


4. Lewis Rice spent 6,569.7 hours litigating this dispute, from the time it was engaged to represent Captiva in this matter on or about June 18, 2010 through the time at which trial was completed on July 24, 2015. Detailed billing entries are provided herewith as **Exhibit A** and incorporated herein by reference, identifying the date on which professional legal services were rendered, who rendered the service, the amount of time spent, and a description of the specific tasks performed.

4. None of this time includes any of the fees incurred in association with the motion for sanctions that the Court previously awarded to Captiva and that Fidelity paid. *See* Order (Dkt. No. 284), Feb. 23, 2015.

5. A separate bill of costs will be submitted to the Court.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the facts set forth in the foregoing Declaration are true and correct to the best of my knowledge and belief.

Executed on this 30th day of July, 2015.


Richard A. Wunderlich